

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| SIMONE WOODBERRY, |) | CASE NO. 1:15-cv-2222 |
| |) | |
| PLAINTIFF, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | OPINION AND ORDER |
| |) | |
| COMMISSIONER OF SOCIAL SECURITY |) | |
| ADMINISTRATION, |) | |
| |) | |
| DEFENDANT. |) | |

Before the Court is the report and recommendation of Magistrate Judge Thomas Parker, recommending that that the final decision of the Commissioner of Social Security denying plaintiff's application for Supplemental Security Income benefits and Disability Insurance benefits under Title XVI of the Social Security Act be vacated, and the matter remanded for further proceedings pursuant to 42 U.S.C. § 405(g). (Doc. No. 17 (Report and Recommendation ["R&R"]).)

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The government has filed a response to the R&R, stating that the defendant Commissioner will not be filing objections to the R&R. (Doc. No. 18.) The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by

the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Parker's report and recommendation, and accepts and adopts the same. Accordingly, the final decision of the Commissioner denying plaintiff's application for Supplemental Security Income benefits and Disability Insurance benefits is VACATED, and this matter is REMANDED to the Commissioner for further proceedings consistent with this opinion.

IT IS SO ORDERED.

Dated: August 26, 2016



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE